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Attorneys for Defendant
THE PROPHET MANASSEH
JORDAN MINISTRIES

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JED ALEXANDER, AND SARA
KHOSROABADI, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

THE PROPHET MANASSEH JORDAN
MINISTRIES,

Defendant.

CASE NO. 12-cv-2584 IEG BLM

Hon. Irma E. Gonzalez
Courtroom No. 1

**DEFENDANT THE PROPHET
MANASSEH JORDAN MINISTRIES'
ANSWER TO COMPLAINT**

Defendant The Prophet Manasseh Jordan Ministries ("Defendant") hereby answers the Complaint filed by Plaintiffs Jed Alexander and Sara Khosroabadi ("Plaintiffs") in this action. Defendant expressly denies all allegations which it does not expressly admit below.

1. Deny.

2. Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations, and therefore denies them.

3. Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations, and therefore denies them.

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1 4. Defendant lacks knowledge or information sufficient to form a belief about the
2 truth of these allegations, and therefore denies them.

3 5. Defendant admits that this statement was made in the authority cited. Defendant
4 denies that it violated any laws.

5 6. Defendant denies that the cited case is similar to this case.

6 7. Defendant admits that this Court has federal question jurisdiction. Defendant
7 denies that it violated any laws.

8 8. Defendant admits that venue is proper in this judicial district and that it is subject
9 to personal jurisdiction of this judicial district.

10 9. Defendant lacks knowledge or information sufficient to form a belief about the
11 truth of these allegations, and therefore denies them.

12 10. Defendant admits its incorporation and principal place of business is New York.
13 Except as specifically admitted, Defendant denies the allegations in this paragraph.

14 11. Defendant lacks knowledge or information sufficient to form a belief about the
15 truth of these allegations, and therefore denies them.

16 12. Defendant lacks knowledge or information sufficient to form a belief about the
17 truth of these allegations, and therefore denies them.

18 13. Admit.

19 14. Deny.

20 15. Defendant lacks knowledge or information sufficient to form a belief about the
21 truth of these allegations, and therefore denies them.

22 16. Defendant lacks knowledge or information sufficient to form a belief about the
23 truth of these allegations, and therefore denies them.

24 17. Defendant lacks knowledge or information sufficient to form a belief about the
25 truth of these allegations, and therefore denies them.

26 18. Deny.

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1 19. Defendant lacks knowledge or information sufficient to form a belief about the
2 truth of these allegations, and therefore denies them.

3 20. Defendant lacks knowledge or information sufficient to form a belief about the
4 truth of these allegations, and therefore denies them.

5 21. Defendant lacks knowledge or information sufficient to form a belief about the
6 truth of these allegations, and therefore denies them.

7 22. Defendant lacks knowledge or information sufficient to form a belief about the
8 truth of these allegations, and therefore denies them.

9 23. Defendant lacks knowledge or information sufficient to form a belief about the
10 truth of these allegations, and therefore denies them.

11 24. Deny.

12 25. Deny.

13 26. Defendant admits that Plaintiffs purport to bring this case as a class action.
14 Defendant denies all other allegations, including that any putative class is certifiable, that
15 Plaintiffs can fulfill any of the requirements set forth in FRCP 23, and that Plaintiffs and any
16 member of any putative class are entitled to any relief in this case.

17 27. Defendant admits that Plaintiffs purport to bring this case as a class action.
18 Defendant denies all other allegations, including that any putative class is certifiable, that
19 Plaintiffs can fulfill any of the requirements set forth in FRCP 23, and that Plaintiffs and any
20 member of any putative class are entitled to any relief in this case.

21 28. Deny.

22 29. Deny.

23 30. Defendant denies that Plaintiffs are entitled to any relief, equitable or otherwise.

24 31. Deny.

25 32. Deny.

26 33. Deny.

27 34. Deny.

35. Deny.

36. Deny.

37. Deny.

38. Defendant incorporates by reference its answers to the allegations set forth in paragraphs 1-37 as if fully incorporated herein.

39. Deny.

40. Deny.

41. Deny.

42. Defendant incorporates by reference its answers to the allegations set forth in paragraphs 1-41 as if fully incorporated herein.

43. Deny.

44. Deny.

45. Deny.

AFFIRMATIVE DEFENSES

Defendant asserts the following defenses, each as separate and distinct defenses to Plaintiffs' Complaint. Insofar as any of the following expresses denial of an element of any claim alleged against Defendant, such expression does not indicate that Plaintiffs are relieved of their burden to prove each and every element of any such claims claim or that Defendant has assumed any burden of proof. Further, nothing in Defendant's affirmative defenses shall be construed to alter or shift to Defendant the burden of proof.

1. Plaintiffs and members of the putative class provided prior express consent within the meaning of 47 U.S.C. § 227(b)(1)(A) to receive the communications which they claim give rise to the allegations in Plaintiffs' complaint.

2. Plaintiffs' claims and/or those of the putative class are barred because they consented to receive the calls over which they complain.

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1 3. Defendant is exempt from the TCPA, as it is a tax exempt, non-profit
2 organization.

3 4. Defendant is exempt from the TCPA because its calls were not made for a
4 commercial purpose.

5 5. Defendant is exempt from the TCPA because the calls did not transmit an
6 advertisement.

7 6. Defendant is exempt from the TCPA because the calls do not constitute a
8 solicitation.

9 7. Defendant is not vicariously liable for making any call to Plaintiffs or the putative
10 class members.

11 8. The claims alleged by the Plaintiffs and on behalf of putative class members are
12 barred because the alleged damages, if any, were caused solely by acts, wrongs, or omissions by
13 third parties over whom Defendant had no control and for which Defendant is not responsible.

14 9. The claims alleged by the Plaintiffs or on behalf of putative class members are
15 barred because their alleged damages, if any, were caused solely by their own respective acts,
16 wrongs, or omissions, by intervening causes, or by other persons or entities over whom
17 Defendant had no control and for which Defendant is not responsible.

18 10. The request for injunctive relief is moot because the acts complained of have
19 ceased and have no reasonable likelihood of recurring.

20 11. Imposition of statutory damages would be so punitive and disproportionate to the
21 gravity of any violations alleged as to amount to a violation of due process.

22 12. Plaintiffs lack standing to assert and maintain their claims against Defendant and
23 to represent any putative class with regard to those claims.

24 13. Defendant hereby gives notice that it intends to rely upon such other and further
25 defenses as may become available or apparent during pre-trial proceedings in this case, and
26 hereby reserves the right to amend this answer and offer or assert additional defenses that cannot
27 now be articulated because, among other reasons, Defendant has not conducted discovery.
28

WHEREFORE, Defendant prays that:

- A. Plaintiffs' Complaint be dismissed in its entirety with prejudice;
- B. Plaintiffs and members of the putative class take nothing by this action;
- C. Defendant be awarded its expenses and costs incurred in defense of this action, and its attorneys' fees to the extent permitted by law; and
- D. Defendant be awarded such other relief as the Court deems just and proper.

Dated: November 29, 2012

VENABLE LLP

By: /s/ Daniel S. Silverman
Daniel S. Silverman
Attorneys for Defendant
The Prophet Manasseh Jordan Ministries

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PROOF OF SERVICE

1 STATE OF CALIFORNIA)
 2) ss.
 3 COUNTY OF LOS ANGELES)

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18
 5 and not a party to the within action; my business address is Venable LLP, 2049 Century Park
 6 East, Suite 2100, Los Angeles, California.

7 On November 29, 2012, I caused a true and correct copy of the foregoing **DEFENDANT**
 8 **THE PROPHET MANASSEH JORDAN MINISTRIES' ANSWER TO COMPLAINT** to
 9 be filed with the Clerk of the Court through the U.S. District Court Electronic Court Filing
 10 System, which caused notice of such filing to be sent electronically to the following registered
 11 attorneys of record:

- 12 • **Todd M. Friedman**
 13 tfriedman@AttorneysForConsumers.com,jrea@attorneysforconsumers.com,sweerasuriya
 14 @attorneysforconsumers.com,ecampnay@attorneysforconsumers.com,nbontrager@attor
 15 neysforconsumers.com
- 16 • **Abbas Kazerounian**
 17 ak@kazlg.com,abbas.kazerooni@gmail.com
- 18 • **Alfred Klein**
 19 aklein@rodipollock.com,lxd@rodipollock.com
- 20 • **Joshua Swigart**
 21 josh@westcoastlitigation.com,ecf@westcoastlitigation.com

22 I declare that I am employed in the office of a member of the Bar of this Court at whose
 23 direction the service was made. I declare under penalty of perjury under the laws of the United
 24 States of America that the above is true and correct.

25 Executed on November 29, 2012, at Los Angeles, California.

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